

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Whitney Beber	Team: Squad #6	CCRB Case #: 201808303	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Sunday, 10/07/2018 5:30 PM	Location of Incident: § 87(2)(b)	Precinct: 81	18 Mo. SOL 4/7/2020	EO SOL 11/22/2020	
Date/Time CV Reported Sun, 10/07/2018 7:31 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Sun, 10/07/2018 7:31 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POF Tricia Thomas	03207	954370	081 PCT
2. POM Charles Goff	03451	960595	081 PCT
3. POF Taquana Stanford	31968	955528	081 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SGT Gina Morningkelleher	01882	942235	081 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POF Tricia Thomas	Abuse: Police Officer Tricia Thomas stopped § 87(2)(b)	
B.POF Taquana Stanford	Abuse: Police Officer Taquana Stanford stopped § 87(2)(b)	
C.POM Charles Goff	Abuse: Police Officer Charles Goff frisked § 87(2)(b)	
D.POF Tricia Thomas	Abuse: Police Officer Tricia Thomas frisked § 87(2)(b)	
E.POF Tricia Thomas	Abuse: Police Officer Tricia Thomas searched § 87(2)(b)	

Case Summary

On October 7, 2018, § 87(2)(b) filed the following complaint with the Civilian Complaint Review Board (CCRB) via the online website.

On October 7, 2018, at approximately 5:30 p.m. in front of § 87(2)(b) in the Bronx Police Officer Taquana Stanford and Police Officer Tricia Thomas of the 81st Precinct stopped § 87(2)(b) regarding a 911 call that shots were fired (**Allegations A and B, Abuse of Authority**, § 87(2)(g)). Additional officers from the 81st Precinct responded including, Police Officer Charles Goff and Police Officer Sean McDonnell. Police Officer Charles Goff frisked § 87(2)(b) (**Allegation C, Abuse of Authority**, § 87(2)(g)). Police Officer Thomas frisked and searched § 87(2)(b)'s pants pocket and removed his keys (**Allegations D and E, Abuse of Authority**, § 87(2)(g)). The stop lasted thirty minutes. § 87(2)(b) was not issued a summons or arrested.

Surveillance footage was obtained for this incident (BR01) as well as ten body-worn camera videos (BR02-11). § 87(2)(g).

Findings and Recommendations

Allegation (A) Abuse of Authority: Police Officer Taquana Stanford stopped § 87(2)(b)

Allegation (B) Abuse of Authority: Police Officer Tricia Thomas stopped § 87(2)(b)

§ 87(2)(b) was uncooperative with the investigation.

The body-worn camera footage did not capture the initial stop of § 87(2)(b). The body-worn camera footage depicts § 87(2)(b) sweating profusely and wearing what appears to be a red shirt and black pants outside a group of attached buildings. PO Sanchez's body-worn camera, at the time stamp of 1:45 on the VLC media player, depicts PO Thomas handcuffing § 87(2)(b) (BR06).

At 6:05 p.m. PO Stanford received a radio call of shots fired at § 87(2)(b) with a description of a bald black male wearing black pants and a yellow shirt (BR12). PO Stanford and PO Thomas were the first officers to respond. As PO Stanford approached she saw a bald black male, wearing black pants exited the building swiftly. PO Stanford stopped § 87(2)(b) because he fit the description of the bald black male, wearing black pants. § 87(2)(b) was sweating, breathing heavy and he looked like he was trying to hastily depart the area where the shots were fired. However, § 87(2)(b) wore a red shirt. PO Thomas stood with § 87(2)(b) while PO Stanford located the 911 caller. She saw some people in the entryway of the building adjacent to § 87(2)(b). She entered the building and spoke to a female who identified herself as the 911 caller. The 911 caller pointed to § 87(2)(b) and indicated that he was the male they saw picking up what they believed to be shell casings. PO Stanford questioned the 911 caller about the discrepancy between the description of the yellow shirt initially provided over the radio and the red shirt § 87(2)(b) was wearing. The 911

caller stated that he must have changed his shirt. Another neighbor came down from the floor above, and confirmed she witnessed the same things the 911 caller described. PO Stanford signaled to the officers standing with § 87(2)(b) to handcuff him. § 87(2)(b) was handcuffed and detained for further investigation. He was not considered under arrest.

PO Thomas testified that PO Stanford instructed her to stop § 87(2)(b) because he fit the description they received over the radio (BR13). She did not remember what he was wearing.

Additional officers responded after § 87(2)(b) was stopped.

Stop Report #§ 87(2)(b) was reported by PO Stanford. She noted on the report that she received a radio run of shots fired (BR 15). When she arrived at the location, she was informed by two witnesses that lived at § 87(2)(b) that they observed a bald black male wearing black pants and a yellow shirt standing in the rear of the building picking up what appeared to be shell casings. After PO Stanford received this description, a bald black male wearing black pants exited § 87(2)(b). The male was stopped at 6:08 p.m.

A caller identified as § 87(2)(b) called 911 at 6:07 pm. and stated that there were seven or eight shots fired by a heavy set black male with an orange t-shirt in her backyard at § 87(2)(b). In the radio message the dispatcher stated that a witness stated they saw someone in the back of § 87(2)(b). The dispatcher described the suspect as a heavyset black male wearing an orange t-shirt.

The EVENT Chronology of EVENT § 87(2)(b), notes that Unit 81B1-3 arrived at the location at 6:07 p.m. (BR17). The Tour 3 81st Precinct Roll Call noted that PO Thomas and PO Stanford were assigned to sector B.

Officers were justified in stopping, frisking, searching and detaining the defendant when they observed him running in proximity to the crime scene and matching the description People v. Robinson, 101 A.D. 3d 1245 (BR 18). Given the geographical and temporal proximity to both the scene of the armed robbery and the area where shots were fired and the defendant's physical appearance upon being approached by officers, the court found that the police possessed reasonable suspicion that the defendant had committed a crime and were therefore authorized to stop, frisk and detain him People v. McClain, 145 A.D. 3d 1192 (2016) (BR19).

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Allegation (C) Abuse of Authority: Police Officer Charles Goff frisked § 87(2)(b)

In PO Goff's body-worn camera footage, at the time stamp of 54 seconds on the VLC media player, § 87(2)(b) is stopped and PO Goff lifts § 87(2)(b)'s shirt and feels around the outside of his right and left pants pockets (BR02).

In PO Hoina's body-worn camera footage (BR03), at the time stamp of 38 seconds on the VLC media player, PO Goff feels across § 87(2)(b)'s waist.

PO Goff testified that PO Thomas asked him to frisk § 87(2)(b) which he did. Nothing was recovered. PO Goff observed a bulge in one of § 87(2)(b)'s pockets which he learned were keys after frisking the pocket. The only reason PO Goff frisked § 87(2)(b) was because he was instructed to.

PO Thomas did not remember if PO Goff frisked § 87(2)(b). She did not ask any officer to pat down § 87(2)(b).

PO Stanford cited violent crime as the reason the male was frisked in Stop Report #§ 87(2)(b) (BR15).

Police officers have the authority to frisk an individual if the officer reasonably suspects that he is in danger of physical injury by virtue of the person being armed People v. De Bour, 40 N.Y. 2d 201 (1976) (BR20). Given the geographical and temporal proximity of the defendant to the scene of the crime and the area where shots were fired and the defendant's physical appearance upon being approached by officers, the court found that the police possessed reasonable suspicion that the defendant had committed a crime and were therefore authorized to stop, frisk and detain him People v. McClain, 145 A.D. 3d 1192 (2016) (BR19).

§ 87(2)(g)

§ 87(2)(g)

Allegation (D) Abuse of Authority: Police Officer Tricia Thomas frisked § 87(2)(b)

Allegation (E) Abuse of Authority: Police Officer Tricia Thomas searched § 87(2)(b)

In PO Goff's body-worn camera footage (BR02), at the time stamp of 3:30 minutes, § 87(2)(b) identifies the building he is outside of, as his home. At 10 minutes of the VLC media player, PO Thomas asks § 87(2)(b) if he has keys on him. § 87(2)(b) is handcuffed by this point. He refuses to answer and at 10:14 minutes, she frisks the outside of his

right pocket, then his left pocket and then he extracts the keys from the left pocket. She later returns the keys to the same pocket.

PO Thomas did not have an independent recollection of having frisked or searched § 87(2)(b). After being shown part of PO Goff's body-worn camera footage in which she frisked § 87(2)(b)'s pockets and entered another and removed his keys, she stated she did so to get his keys in order to unlock the door for officers who were stuck in the back of § 87(2)(b).

PO Stanford and Sergeant Morningkelleher (BR21) did not remember an officer frisking or searching § 87(2)(b). PO Goff did not remember another officer frisked § 87(2)(b) or removed his keys.

The EVENT Chronology of EVENT § 87(2)(b) notes that an officer from unit 81C1-3 stated that he was in the rear of § 87(2)(b) at 6:13 p.m. In the radio message, an officer from unit 81C states that they are in the rear of § 87(2)(b) and asked if an officer could access the front of the building.

Police officers have the authority to frisk an individual if the officer reasonably suspects that he is in danger of physical injury by virtue of the person being armed People v. De Bour, 40 N.Y. 2d 201 (1976) (BR20).

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Civilian and Officer CCRB Histories

- PO Thomas has been a member of service for six years and has been a subject in two CCRB complaints and four allegations, none of which were substantiated. § 87(2)(g).
- PO Stanford has been a member of service for five years and has been a subject in two CCRB complaints and three allegations, none of which were substantiated. § 87(2)(g).
- PO Goff has been a member of service for three years and has been a subject in two CCRB complaints and five allegations, none of which have been substantiated. § 87(2)(g).

- § 87(2)(b) has been party to three CCRB complaints and has been named as a victim in 10 allegations.

Mediation, Civil and Criminal Histories

Squad No.: _____

Squad Leader: _____

Signature	Print Title & Name	Date
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